

UNITED STATES DISTRICT COURT
 for the
 District of Arizona

*DET
10/16/17*

United States of America v. Martin Moreno-Barrera, a.k.a.: Martin Moreno Barrera, a.k.a.: Martin Moreno, <u>(A078 682 193)</u> <hr/> <i>Defendant</i>))))))) Case No. <i>17-7500 MJ</i>
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CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of October 14, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Martin Moreno-Barrera, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about November 5, 2008, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated by Reference Herein

CeB

REVIEWED BY: Charles E. Bailey, P.S. for AUSA Natalie B. Huddleston

Continued on the attached sheet.

Complainant's signature

Steven T. Case,
Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: October 16, 2017

Judge's signature

City and state: Phoenix, Arizona

Bridget S. Bade,
United States Magistrate Judge

Printed name and title

STATEMENT OF PROBABLE CAUSE

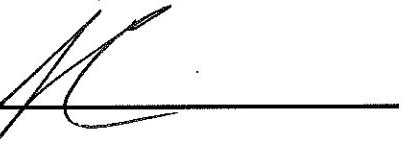
I, Steven T. Case, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On October 14, 2017, Martin Moreno-Barrera was booked into the Maricopa County Jail (MCJ) facility by the Phoenix Police Department on local charges. While in custody at the MCJ, Moreno-Barrera was encountered by ICE Officer J. Elliot who determined him to be a citizen of Mexico, illegally present in the United States. On October 15, 2017, an immigration detainer was lodged with the county jail. On the same date of the immigration detainer, Moreno-Barrera was released from the MCJ and transported to the Phoenix ICE office for further investigation and processing. Moreno-Barrera was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Martin Moreno-Barrera to be a citizen of Mexico and a previously deported criminal alien. Moreno-Barrera was removed from the United States to Mexico at or near Nogales, Arizona, on or about November 5, 2008,

pursuant to the reinstatement of an order of removal issued by an immigration judge. There is no record of Moreno-Barrera in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Moreno-Barrera's immigration history was matched to him by electronic fingerprint comparison.

4. Criminal history checks revealed that Martin Moreno-Barrera was convicted of two (2) counts of Aggravated Driving or Actual Physical Control While Under the Influence of Intoxicating Liquor or Drugs, a felony offense, on August 27, 2007, in the Superior Court of Arizona, Maricopa County. Moreno-Barrera was sentenced to four (4) months' incarceration and three (3) years' probation. Moreno-Barrera's criminal history was matched to him by electronic fingerprint comparison.
5. On October 15, 2017, Martin Moreno-Barrera was advised of his constitutional rights. Moreno-Barrera freely and willingly acknowledged his rights and declined to make any further statements.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about October 14, 2017, Martin Moreno-Barrera, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States

at or near Nogales, Arizona, on or about November 5, 2008, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).


Steven T. Case,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 16th day of October, 2017.


Bridget S. Bade,
United States Magistrate Judge